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U.S. Congress. Committee on
the Judiciary.

Report:

One Six-Year Presidential Term

(Washington 1912)



ONE SIX-YEAR PRESIDENTIAL TERM.

JUNE 13, 1912.—Referred to the House Calendar and ordered to be printed.

U.S. Copy
Mr. CLAYTON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. J. Res. 325.]

The Committee on the Judiciary, having had under consideration H. J. Res. 325, proposing an amendment to the Constitution, report the same back with the recommendation that it do pass.

Your committee believe that the American people hold it to be part of the unwritten law that no man shall be three times President of the United States, whether the terms be consecutive or otherwise. Doubtless it is true that even without any positive law on the subject—that is, without any amendment of the Constitution—no man will ever be called to be Chief Magistrate for the third time. It is certainly well, however, to provide against possible agitation of the question. Perhaps it is not too much to say that every President, with possibly two exceptions, has at least acquiesced in the fact that George Washington took a wise and patriotic position when he declined to entertain even the ambition of being President for a third time. And the American people denied a third term to President Grant, one of the world's great generals. So it may be said that the unwritten law, public sentiment, and the practice has been and will continue to be opposed to any man's being President for a third time.

Your committee believe that it is wise to (1) limit the tenure of office to one term, and that it is also wise (2) to extend the period of the one term from four to six years.

(1) The President should be ineligible to a second term, because being ineligible there will be no temptation improperly to use the powers and patronage of that exalted office.

The limitation to a single term will, in the opinion of your committee, tend to improve the administration of the laws generally and to increase the nonpartisan and businesslike efficiency of the execu-

then hereditary. I was much an enemy to monarchy before I came to Europe. I am ten thousand times more so since I have seen what they are. There is scarcely an evil known in these countries which may not be traced to their king as its source, nor a good which is not derived from the small fibers of republicanism existing among them. I can further say with safety, there is not a crowned head in Europe whose talents or merit would entitle him to be elected a vestryman by the people of any parish in America. However, I shall hope that before there is danger of this change taking place in the office of President, the good sense and free spirit of our countrymen will make the changes necessary to prevent it. Under this hope, I look forward to the general adoption of the new Constitution with anxiety as necessary for us under our present circumstances."

To Edward Carrington, May 27, 1788:

"Reeligibility makes him (the President) an officer for life, and the disasters inseparable from an elective monarchy render it preferable, if we can not tread back that step, that we should go forward and take refuge in an hereditary one. * * * Our jealousy is only put to sleep by the unlimited confidence we all repose in the person to whom we all look as our President. After him inferior characters may perhaps succeed and awaken us to the danger which his merit has led us into. For the present, however, the general adoption is to be prayed for."

To Francis Hopkinson, March 13, 1789:

"Since the thing (reeligibility) is established, I would wish it not to be altered during the life of our great leader, whose executive talents are superior to those, I believe, of any man in the world, and who alone, by the authority of his name and the confidence reposed in his perfect integrity, is fully qualified to put the new Government so under way as to secure it against the efforts of the opposition. But having derived from one error all the good there was in it, I hope we shall correct it the moment we can no longer have the same name at the helm."

To David Humphreys, March 18, 1789:

"* * * And should the majority change their opinion and become sensible that this trait in their Constitution is wrong, I would wish it to remain uncorrected as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character I consider as peculiarly essential to get the Government so under way as that it may afterwards be carried on by subordinate characters."

Great men were the fathers of the Republic—great in their unselfishness and in their patriotism. At the very moment when uttering these sentiments from a troubled heart, Jefferson might with full warrant have been looking forward to his own elevation to the Chief Magistracy of the Republic, whose Declaration of Independence was his declaration. But here breathes the spirit of reconciliation, not in resentment of the probable thwarting of personal ambition but in apprehension of danger to popular sovereignty—of reconciliation to the life tenure in office of the "great leader," but of no successor. And his was the thought of the country. Implicit and universal was the faith that Washington would rise to the occasion with the serenity and power of exalted character. How completely this confidence was justified is evidenced by the event.

The crowning glory of George Washington was renunciation. Twice he had been chosen unanimously to serve as President of the new Republic. A third election required only his silent acquiescence. Abroad he was regarded as a Chief Magistrate installed for life—a constitutional king in all but name. Democracy meant no more than the familiar dominance of a ruler and a class in a new form. Government by the people continued to be a myth. Revolution had only severed political ties. The substance of control such as held the nations of Europe was to be perpetuated on the Western Hemisphere. Monarchs breathed more freely; aristocracy sneered. Then came, like a bolt from the blue, the declaration from George Washington that, at the expiration of his second term, he should return to private life. It was a calm and measured avowal, but definite and final. None questioned the President's sincerity; none dreamed of suggesting reconsideration upon public or patriotic grounds in time of alleged need. Washington embodied Truth: His were words of probity and fidelity. And his act signalized the confirmation in fact of the profession which had been advanced in theory of the perpetuation, no less than the mere establishment, of popular sovereignty. It was a notification to all the world

of the actual beginning of the greatest experiment in government ever known, of the experiment which has conserved the liberties, the prosperity, and the happiness of a population already increased thirtyfold, which has driven arbitrary rule out of the Western Hemisphere, and which has cut the foundations from under the tottering thrones of Europe.

Detractors have urged that, because he used simple words in announcing his retirement, Washington withdrew from public life for the sole purpose of gratifying his personal inclination. Had he then so soon forgot the admonitions of Jefferson and Madison and his own steadfast opposition to continuous occupancy of the presidential office? How was his act regarded at the time?

On September 17, 1796, Washington published to his "friends and fellow citizens" that farewell address, of which the historian Henry Cabot Lodge says: "Every word was instinct with the wisest and purest patriotism." After "declining to be considered among the number of those out of whom a choice is to be made" for President at the next election, he said:

"I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relations which bind a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both."

Did the people or the Houses of Congress construe this as a mere expression of a wish to retire to Mount Vernon? Let us see. On December 10 the Senate voted "an address to George Washington, President of the United States," recounting his invaluable services and closing with these words:

"The most effectual consolation that can offer for the loss we are about to sustain arises from the animating reflection that the influence of your example will extend to your successors, and the United States thus continue to enjoy an able, upright, and energetic administration."

And the House of Representatives on December 15:

"For our country's sake, for the sake of republican liberty, it is our earnest wish that your example may be the guide of your successors, and thus, after being the ornament and safeguard of the present age, become the patrimony of our descendants."

Both addresses were voted unanimously. The great precedent was made by the most illustrious man of his age and ratified irrevocably without dissenting voice by the chosen representatives of all the States and all the people.

Thomas Jefferson was inaugurated as President in 1801 and was reelected. When the date of the expiration of his second term drew near his party was in full control and Jefferson himself was at the height of his powers, mental and physical, as evidenced by the fact that he lived and studied and wrote for 19 years thereafter. Nevertheless, when besought by the Legislature of Vermont to accept a third term, he replied, under date of December 10, 1807, as follows:

"That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will in fact become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government responsible at short periods of election is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle, and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office."

Despite the great popularity of Jefferson and the well-nigh universal belief that his knowledge and experience constituted an equipment surpassing that possessed by any other, his resolution met with general approval. Speaking to the citizens of Philadelphia on February 3, 1808, he said:

"Your approbation of the motives for my retirement from the station so long confided to me is confirmation of their correctness. In no office can rotation be more expedient."

Again to the citizens of Wilmington on February 10:

"It is a consolation to know that the motives for my retirement are approved; and although I withdraw from public functions I shall continue an anxious spectator of passing events, and offer to Heaven my constant prayers for the preservation of our Republic, and especially of those its best principles which secure to all its citizens a perfect equality of rights."

Many years later, writing as the venerable sage of Monticello, he emphasized the increased strength of his conviction in his autobiography with notable explicitness thus:

"My wish was that the President should be elected for seven years and be ineligible afterwards. But the practice adopted, I think, is better, allowing his continuance for eight years, with a liability to be dropped at half-way of the term, making that a period of probation. * * * Though this amendment has not been made in form, yet practice seems to have established it. The example of four Presidents voluntarily retiring at the end of their eighth year, and the progress of public opinion that the principle is salutary, have given it in practice the form of precedent and usage; inasmuch that should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views."

The four Presidents to whom Jefferson referred were Washington, himself, Madison, and Monroe, the last of whom was so popular that but one electoral vote was cast against his reelection. Neither he nor Madison, however, even contemplated for a moment the breaking of the tradition which they considered had already become an inviolable edict.

Andrew Jackson, the next President who achieved reelection, was a stickler for forms in written law. From the beginning to near the end of his terms, in specific language, he urged upon Congress the enactment of a statute definitely forbidding a third election. His appeal was disregarded solely upon the ground that the effect of the established precedent was fully binding and that further action was unnecessary. In this judgment Jackson finally acquiesced and in his last annual message he did not revert to the subject. That he abandoned the idea of definite prohibition with reluctance, however, and that he still viewed technical reeligibility with apprehension is indicated by the solemn warning contained in his farewell address—to wit:

"You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves."

The first attempt to break the rule thus established was made in 1875. Grant's second administration was drawing to a close, and the masterful clique which surrounded him and practically controlled his acts disclosed a purpose to obtain for their chief a third term. Instantly a storm of protestations arose and was crystallized finally in the following resolution adopted by the House of Representatives on December 15, 1875:

"Resolved, That in the opinion of this House, the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom will be unwise, unpatriotic, and fraught with peril to our free institutions."

The vote was nearly unanimous—233 to 18—and was so strongly indorsed by the country that the schemers abandoned their project.

Four years later the attempt was renewed with great vigor. Grant's popularity had been enhanced materially by his receptions abroad; the difficulty of retaining the power which had been held only by chicanery in 1876 was uppermost in the minds of the Republicans; and Roscoe Conkling was at the height of his fame and dominance. The issue was joined upon the insistence that the rule applied only to consecutive terms—a plea then entered for the first time, obviously to fit the case. Despite the common belief that only Grant could save their party from defeat, thousands of patriotic Republicans united in a determined effort to maintain the ancient tradition in its full integrity. Already the Republicans of New York, in convention assembled, had declared their "unalterable opposition to the election of any President for a third term." The Republicans of Massachusetts had resolved:

"That sound reason, as well as the wise and unbroken usage of the Republic, illustrated by the example of Washington, requires that the tenure of the Chief Magistracy of the United States shall not exceed a second term."

The Republicans of Pennsylvania had recorded:

"That we declare a firm and unqualified adherence to the unwritten law of the Republic, which wisely and under the sanction of the most venerable of

examples limits the presidential service of any citizen to two terms; and we, the Republicans of Pennsylvania, in recognition of this law, are unalterably opposed to the election to the Presidency of any person for a third term."

The Republicans of Kansas had pronounced judgment:

"That the unwritten law enacted by the example of the Father of his Country in declining a reelection to a third term is as controlling as though it was incorporated in the National Constitution and ought never to be violated."

To supplement and emphasize these expressions a national convention of Republicans opposed to a third term was held in St. Louis on May 6, 1880. The following preamble to appropriate resolutions was adopted unanimously:

"In pursuance of the demand, and representing the convictions of what we believe to be a majority of the Republican Party throughout the Union, this convention of Republicans has assembled for the purpose of declaring those convictions with reference to the present aspect of political affairs. This action is necessary in view of the determined efforts to force upon the party the nomination of a candidate for the Presidency for a third term in defiance not only of the traditions of the Government but also of the solemn declarations of the Republican Party through its conventions in the largest and controlling Republican States, reaffirmed by its Representatives in the popular branch of Congress, and adopted by the entire party in the declarations of its latest presidential candidate."

Subsequently, despite the tremendous forces brought into action on his behalf, Grant was rejected by the Republican convention, and the unwritten law, which had already been upheld by the unanimous vote of the Democrats in Congress, was now definitely and officially sustained by the Republican Party.

President McKinley was inaugurated a second time on March 4, 1901. On June 10 of that year he made the following proclamation directly to the people:

"I regret that the suggestion of a third term has been made. I doubt whether I am called upon to give it a notice, but there are new questions of the gravest importance before the administration and the country, and their just consideration should not be prejudiced in the public mind by even the suspicion of the thought of a third term.

"In view, therefore, of the reiteration of the suggestion of it I will now say, once for all, expressing a long-settled conviction, that I not only am not and will not be a candidate for a third term, but I would not accept a nomination for it if it were tendered to me.

"My only ambition is to serve through my second term to the acceptance of my countrymen, whose generous confidence I so deeply appreciate, and then with them to do my duty in the ranks of private citizenship.—(William McKinley)."

That, in conformity with the solemn pledge of his party made in 1880, President McKinley rejected the subterfuge of "nonconsecutive" terms is clearly evidenced in his concluding sentence. That he regarded the tradition itself as binding he left no room for doubt. Immediately after the Cabinet council in which the President's announcement was discussed, Postmaster General Charles Emory Smith said:

"In taking this step President McKinley has not only followed his personal inclinations, but he is actuated by a deep sense of duty and by his belief in a principle of our institutions which he thinks absolute and unchangeable."

The statement of John D. Long, the Secretary of the Navy, was to the same effect:

"I am satisfied that personally he did not desire nor would he have been willing to accept a third term. After eight years of the burdens and responsibilities of office he looks forward to the relief of private life.

"As a matter of principle and conviction also he would not accept a third term, and he evidently felt it his duty to confirm the traditions of his country in this respect. This action of his, I believe, will do more than anything else can do to settle this question for all time."

Emulating his predecessor's example, President Roosevelt declared his fidelity to the established custom with characteristic promptitude. On the evening of the day on which he was reelected—November 8, 1904—he issued this carefully phrased statement:

"On the 4th of March next I shall have served three and one-half years, and this three and one-half years constitute my first term. The wise custom which limits the President to two terms regards the substance and not the

form, and under no circumstances will I be a candidate for or accept another nomination."

Three years later—on December 11, 1907—he reiterated his declaration in these words:

"I have not changed and shall not change that decision thus announced."

This action upon the part of President Roosevelt was duly celebrated and heartily applauded in the ensuing Republican convention in 1908, when the chairman, Senator Henry Cabot Lodge, declared, with marked fervor:

"Nothing has added so much to his just fame as his persistent and irrevocable refusal to break the unwritten law of the Republic by accepting a nomination for a third term. By this act of self-abnegation he places his name and fame in the secure keeping of history by the side of that of the immortal Washington."

This completes the record of the great tradition which has been held inviolate for 116 years. Of the most sagacious commentators upon American institutions, De Tocqueville strongly urged its establishment and James Bryce pronounced its unbroken maintenance conclusive. In the American Commonwealth, Mr. Bryce says:

"Washington submitted to be reelected in 1792. But when he had served this second term he absolutely refused to serve a third, urging the risk to republican institutions of suffering the same man to continue constantly in office. * * * In the Republican Party convention of 1880 a powerful group of the delegates put forward Grant for nomination as the party candidate, alleging his special services as a ground for giving him the honor of a third term. Had there not been among the Republicans themselves a section personally hostile to Grant, or rather to those who surrounded him, the attempt might have succeeded, though it would probably have involved defeat at the polls. But this hostile section found the prepossession of the people against a third term so strong that, by appealing to the established tradition, they defeated the Grant men in the convention. This precedent has been taken as practically decisive for the future, because Gen. Grant, though his administration had been marked by grave faults, was an exceptionally popular figure. A principle affirmed against him is not likely to be departed from in favor of any aspirant for many elections to come."

And yet Mr. Roosevelt is now an avowed candidate for a third term. The "act of self-abnegation," marked by his "persistent and irrevocable refusal to break the unwritten law of the Republic," thus "placing his name and fame in the secure keeping of history by the side of that of the immortal Washington," is repudiated and the beneficent consequences thereof are forfeited beyond recall. That fact of itself, since it bears merely upon the reputation for mental and moral integrity of an individual, is of comparatively little moment. But the basis of, or rather the pretext for, the attempt to break down the established tradition is of vital importance. Mr. Roosevelt sets it forth in these words:

"My position is perfectly clear. I stated it as clearly as I could in 1904 and reiterated it in 1907. I said that I would not accept a nomination for a third term under any circumstances, meaning, of course, a third consecutive term."

"I could not have said less at the time, nor could I have said more. Of course, I could not then know whether or not there would be a demand for me to accept a nomination at some future time. And believing as I do, that the selection of candidates for the Presidency rests entirely with the people, I could not say that at no time in my life would I accept another nomination."

This is simply ridiculous. Surely Mr. Roosevelt could have said less; he need not have said anything. There was no public or private demand that he should declare his resolution. His utterance, in fact, evoked general surprise quite equal to the gratification which it afforded those who had professed faith in his fidelity to principle and law, written or unwritten, with regard no less to "substance" than to "form." How idle, moreover, to assert that he could not have said more! If it was his real intent to limit his renunciation to a third "consecutive" term, the addition of a single word would have made his meaning clear.

That Mr. Roosevelt "could not then know" whether or not there would be a demand for him to "accept a nomination at some future time" is obvious; so obvious indeed, that clearly he could not then have known whether such a demand might not arise at the end of his second term; in which case, "believ-

ing that the selection of candidates rests entirely with the people," would he have felt impelled to attribute yet another inconceivable spirit to the letter of his pledge? And why could not he say that at no time would he accept another nomination? No such embarrassment confronted Washington, Jefferson, Madison, Monroe, Jackson, or McKinley, though no one of those defined his attitude with half the explicitness or emphasis employed by President Roosevelt.

Apologists assert that Mr. Roosevelt has merely "changed his mind" in conformity with his undoubted right. Not so Mr. Roosevelt himself! With redoubled vigor he insists that he is of the same opinion still—that opinion being, of course, not the opinion stated, but the opinion privately held for subsequent interpretation by himself.

But the tergiversations of a fantastic intellect sink into insignificance when contrasted with the theory upon which this apparent reversal of position is based. Mr. Roosevelt continues:

"It must be clear to any reasonable man that the precedent which forbids a third term has reference only to a third consecutive term. It grew out of the fact that a President of the United States under the present convention system of electing delegates can, if he knows how to use the machinery at his disposal, renominate himself, even though the majority of his party is against him. But after he has been out of office for a term he has lost control of that machinery. He is in the position absolutely of any private citizen. The machinery is then in the hands of the man occupying the office of President."

On the contrary, "it must be clear" to any person familiar with our political history, or to anyone who has read the foregoing record, that the precedent forbidding a third term bears no reference whatever to "the present convention system of electing delegates." The precedent was established by Washington in 1796, was recognized by both Houses of Congress, was confirmed by Jefferson, was accepted by Madison and Monroe, and was ratified with great positiveness by Jackson before a national convention was ever held or conceived of. Its purpose, plainly set forth, was to limit the duration of any man's service as President to eight years, "with a liability to be dropped at halfway of the term." None of these great Presidents ever contemplated the possibility of returning to his former position after a lapse of years in retirement. Each recognized "the wise custom" and adhered strictly to the determination tersely expressed by Mr. Roosevelt himself "not to be a candidate for or accept another nomination" at any time during the remainder of his life.

So much for Mr. Roosevelt's attempt to revive the nonconsecutive subterfuge, which was raised by the supporters of Grant and met its logical fate in the Republican convention of 1880.

We need not dwell longer upon the shuffling evasions and paltry excuses of Mr. Roosevelt. Far more important are the explanatory defenses of those of his supporters who are supposed to be more fully endowed with the sense of moral discrimination. One in particular must not pass unnoticed. A famous and revered teacher of religion, whose name shall find no place here in connection with the promulgation of such a code, puts forth the following "homely illustration" of Mr. Roosevelt's ethical methods:

"When a man says at breakfast in the morning, 'No, thank you, I will not take any more coffee,' it does not mean that he will not take any more coffee to-morrow morning or next week or next month or next year."

The imperfection of the analogy is apparent. Mr. Roosevelt was offered nothing, declined nothing. Clearly, since he had not yet even entered upon his second term, he was speaking not of the present, but of the future. Regard for the merest approach toward accuracy should have impelled his vindicator to present his homely and no less amazing illustration in words such as these:

"When a man says at breakfast in the morning, 'The wise custom which, in consideration of the public health, forbids one in my position to set a harmful example by partaking of more coffee regards the substance and not the form, and under no circumstances will I seek or accept another cup.'"

Even so, however, there would remain for use in case of need the somewhat antiquated doctrine of mental reservation—obviously the only one which could justify to a teacher of morals a contrary interpretation of an explicit pledge. What the good divine would say to a man convicted of adultery who should plead, "Truly, I pledged fidelity, but that did not mean that I should be faithful the next day, the next week, or the next year," we can not venture to imagine. Pertinent admonitions without number might be quoted from the Good Book, but adequate treatment of ethical perversion arising from a personal obsession

would involve the application of principles of psychology to an extent far too painful in the present deplorable instance for contemplation.

But we are told that if a third term be considered pernicious, a like objection must apply to a second term. The answer, of course, is that acceptance of a second term and rejection of a third term are equally confirmed as rightful and proper by the usage of a century.

Why, we are asked, was not the prohibition incorporated in our written Constitution? And why should he be paid to a "mere sentiment"? The answer to the first question, we believe, will be found conclusive in the record presented above. History responds to the other. Our Saxon ancestors owed their freedom to the preservation of their customs, such as now constitute the fundamental law of England. Few of those customs were as firmly established as this one of ours by uninterrupted use and universal approval of people and Presidents for more than a hundred years, but they were customs generally acquiesced in, and therefore laws which safeguarded their rights against the encroachments of monarchy. When a king undertook, with the aid of his parasites, to force a surrender of those rights, the barons gave him "that memorable answer, simple, to be sure, but made sublime by the occasion":

"Nolumus leges Angliæ mutare!"

("We will not change the laws of England!")

This was the dictum that Grant received from the Congress of 1875 and from the Republican convention of 1880 when he and his parasites tried to force the abandonment of a custom which had become a "part of our free institutions."

But Grant did not recognize the validity of the law. Roosevelt does—or did. His attitude, as of to-day if not as of "to-morrow or next week or next year," is favorable to the maintenance of the "wise custom," with, however, a "mental reservation" which allows an exception in time of stress or imagined need. This, his supporters declare, is such a time, and in justification of their conduct they adduce the following segregated sentence from Washington's letter to Lafayette in 1788:

"I can see no propriety in precluding ourselves from the services of any man who on some great emergency shall be deemed universally most capable of serving the public."

Eight years later, speaking from a vision broadened by actual experience, Washington defined his words by his acts. That he was "universally deemed the most capable" there can be no question. And there was no lack of "emergencies" in the putting into effective practice of the theories of the new government and in a threatening of war with France. Nevertheless, he voluntarily withdrew to private life and thereby set "an example" which has indeed become "the patrimony of our descendants."

What, then, is the "great emergency" which now confronts the Nation and demands the violation not only of a sacred tradition, but of the personal pledge of an American President to the American people? We are not engaged in a mighty war, such as undoubtedly Washington had in mind in 1788, as constituting exceptional necessity. We are at peace with all the world and, under the guidance of our present Chief Magistrate, are leaders of a world-wide movement to insure pacific relations among all peoples. Laws are being enforced more consistently and are respected more highly than at any time since the Civil War. Our serious internal problems are in process of solution by use of the adequate methods provided by our fundamental law. But for constant agitation by ambitious and unscrupulous demagogues, there would be no more of unrest than is natural to a great and rapidly increasing population. There is no plague of pauperism or poverty. The physical, mental, and moral condition of our whole people is infinitely superior to that of any other. Surely no "great emergency" now actually exists.

Is it, then, in anticipation of a mighty crisis about to arise that a violent wrench in our governmental system is deemed essential to the preservation of our lives, our properties, and our liberties? And who is the man "universally deemed most capable of serving the public"? Is it Roosevelt? Do all the people consider that he is better equipped than Taft, let us say, to deal with the troublesome conditions in Mexico, in Cuba, in Porto Rica, in China? Does anybody of intelligence? Do all the people think Roosevelt is more capable or more desirous than Taft of enforcing the laws against pillaging corporations? Has he so shown himself? Do all the people regard Roosevelt as purer in thought, word, and deed than Taft, as more manly, more straightforward, more sagacious, more patient, more unselfish, more devoted to his fellows, more com-

petent, because of temperament, disposition, even manners, to meet all crises or any crisis that may arise? Is he more sincere? Is he more honest? Is he more truthful? Is he more dependable? Is he a better American? Is he, in fine, the possessor of a single attribute, desirable in a Chief Magistrate, not held in superior measure by Mr. Taft?

There can be but one answer to these questions. There is no "great emergency" and there is no "universal demand" for a revival of the explosive gyrations which made Roosevelt's administration as grotesque in the eyes of the world as it was, in effect, unavailing at home.

What, then, is the ultimate object of those who now give color to the claim that our most cherished tradition must be trampled under foot in order that a personal ambition may be served, a personal vengefulness gratified? Why these desperate efforts to advance a movement from which even the warmest friends of the eager recipient have recoiled in disgust? Is emotional fervor, unhampered by reason, the actuating motive? Of some deluded persons, no doubt. But what of "the seven governors" who heedlessly incite warfare upon established institutions and urge upon the populace a fancied need to tear away the foundations of representative government? Are they merely ignorant, or are they, too, like the noted divine, obsessed by a spectacular personality? Surely they must be aware that they are engaged in a conspiracy to wipe out the Constitution once for all and to have done with its restraints upon arbitrary power. So much they have been told plainly by their standard bearer. Even though the treasonable words had not been uttered in Columbus, these men can not yet have forgotten that, while President, Roosevelt never so much as stopped to inquire what was in the Constitution which he had sworn to protect, preserve, and defend; that if he had taken an oath to destroy it, his hostility could not have been more pronounced; that his one idea of government was a system of absolutism without law, giving him full power to reward those who had contributed to his own success and to punish those who had not; that all authority not explicitly withheld by written law was his and his alone. Assuredly, the "seven governors" knew all this. And yet even now, when in so many words their leader proposes to obliterate the judiciary in particular and representative government in general, they continue to wave the flag whose advancement as a signal of triumph could spell only Cæsarism or anarchy. To all such we commend earnest perusal of the words of one whose mantle has been grasped with ruthless hands by the apostle of impudence. On January 27, 1832, in Springfield, Ill., Abraham Lincoln rose and spoke as follows:

"Ambitious men will spring up who will find no gratification in supporting and maintaining an edifice that has been erected by others. Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It scorns to tread in the footsteps of any predecessor, however illustrious. It throbs and burns for distinction, and, if possible, it will have it.

"When such a man appears it will require the people to be united with each other, attached to government and laws, and generally intelligent, to successfully frustrate his designs.

"Distinction will be his paramount object, and although he will as willingly—perhaps more so—acquire it by doing good as harm, yet that opportunity being present, and nothing left to be done in the way of building up, he would set boldly to the task of pulling down."

Such an one has sprung up and is now appealing to the mob. We anticipate the consequences of his audacious action with the utmost complacency. Betrayal of a friend might be overlooked. Disdain of fundamental law is the natural sprout of a lawless mind, and, in time of excitement, might pass unrebuked. But we live in implicit faith that never will the American people repudiate their splendid tradition, their *lex legum*, which stands as the unconquerable fortress of popular government against personal aggrandizement, and bears a relationship to civilization akin to that to all humanity of the great unwritten law of nature, whose "seat is in the bosom of God and whose voice is the harmony of the world."

THE EDITOR.

[H. J. Res. 325. Sixty-second Congress, second session.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment to the first paragraph of sec-

tion one of Article II of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely: Amend said paragraph to read as follows:

"The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years; and no person who has held the office by election, or who has acted as President under the Constitution or any law made in pursuance thereof shall ever again be eligible to hold said office."

"The President, together with the Vice President chosen for the same term, shall be elected as follows:"



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